



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

June 11, 2007

Reply To
Attn Of: ETPA-088

Ref: 05-062-AFS

Kevin D. Martin, Forest Supervisor
Umatilla National Forest
2517 S.W. Hailey Avenue
Pendleton, OR 97801

Dear Mr. Martin:

The U.S. Environmental Protection Agency (EPA) has reviewed the final Supplemental Environmental Impact Statement (SEIS) for the proposed **School Fire Salvage Recovery Project** (CEQ No. 20070079) according to our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The SEIS was prepared in response to an opinion by the 9th Circuit Court of Appeals concerning the School Fire Salvage Recovery Project (the Project). The Court found that the Project was inconsistent with the Umatilla National Forest Land and Resource Management Plan (Forest Plan) Eastside Screens by inappropriately implementing the prohibition on logging of any "live tree" greater than or equal to 21 inches diameter at breast height (dbh) within the School Fire project area. The Court reasoned that in the absence of an adopted technical definition of "live trees," the common understanding of the word "live" meant "to be alive" which meant "not dead." The Court went on to conclude that the Forest Service (Agency) could not harvest "dying" trees because they were not dead. The Court recognized that the Agency could correct this situation by amending the Forest Plan to include a definition of the term "live trees."

The SEIS therefore proposes to amend the Forest Plan to modify the Eastside Screens wildlife standard to define both "live" and "dead" trees. The amended Forest Plan language would read:

Maintain all remnant late and old seral and/or structural live trees greater than or equal to 21" dbh that currently exist within stands proposed for harvest activities. Live trees are defined as trees rated to have a high probability of surviving the effects of fire, and trees rated to have a moderate probability of survival where sampling indicates that at least 50 percent of their basal cambium is alive. Dead trees are defined as trees rated to have a low probability of surviving the effects of fire, and trees rated to have a moderate probability of survival where sampling indicates that more than 50 percent of their basal cambium is dead. Survival probability is determined using "Factors Affecting Survival of Fire Injured Trees: A Rating System for Determining Relative Probability of Survival of Conifers in the Blue and Wallowa Mountains" (Scott et al. 2002, as amended) (commonly referred to as the Scott Guidelines).

In our comments on the draft EIS in April 2007, EPA indicated agreement with the proposed amendment, provided that the amendment would apply to, and only for the duration of, the Project. EPA also found that the draft document did an adequate job of considering a range of alternative models and methods for assessing the probability of tree mortality.

We do not have any additional comments at this time, but we do continue to encourage the Forest Service to monitor the survival of fire-damaged trees across the project area (both inside and outside of sale units), and to use these result to validate and calibrate the Scott Guidelines.

Thank you for the opportunity to comment on the EIS. If you have questions or would like to discuss these comments, please contact Teresa Kubo of my staff at (503) 326-2859.

Sincerely,

//s//

Christine Reichgott, Manager
NEPA Review Unit